

## Federal Deposit Insurance Corporation

## § 310.2

service of process in the state, territory, or jurisdiction in which any insured depository institution is located. Identification of the designated agent in the state, territory, or jurisdiction may be obtained from the Office of the Executive Secretary or from the Office of the General Counsel, FDIC, 550 17th Street NW., Washington, DC 20429. The Executive Secretary (or designee), Regional Director or designated agent shall immediately forward any subpoena, court order or legal process to the General Counsel. The Corporation may require the payment of fees, in accordance with the fee schedule referred to in § 309.5(c)(3), prior to the release of any records requested pursuant to any subpoena or other legal process.

(b) *Notification by person served.* If any current or former officer, director, employee or agent of the Corporation, or any other person who has custody of records belonging to the FDIC, is served with a subpoena, court order, or other process requiring that person's attendance as a witness concerning any matter related to official duties, or the production of any exempt record of the Corporation, such person shall promptly advise the Office of the Corporation's General Counsel of such service, of the testimony and records described in the subpoena, and of all relevant facts which may be of assistance to the General Counsel in determining whether the individual in question should be authorized to testify or the records should be produced. Such person should also inform the court or tribunal which issued the process and the attorney for the party upon whose application the process was issued, if known, of the substance of this section.

(c) *Appearance by person served.* Absent the written authorization of the Corporation's General Counsel, or designee, to disclose the requested information, any current or former officer, director, employee, or agent of the Corporation, and any other person having custody of records of the Corporation, who is required to respond to a subpoena or other legal process, shall attend at the time and place therein specified and respectfully decline to produce any such record or give any testimony with respect thereto, basing such refusal on this section.

## PART 310—PRIVACY ACT REGULATIONS

### Sec.

- 310.1 Purpose and scope.
- 310.2 Definitions.
- 310.3 Procedures for requests pertaining to individual records in a system of records.
- 310.4 Times, places, and requirements for identification of individuals making requests.
- 310.5 Disclosure of requested information to individuals.
- 310.6 Special procedures: Medical records.
- 310.7 Request for amendment of record.
- 310.8 Agency review of request for amendment of record.
- 310.9 Appeal of adverse initial agency determination on access or amendment.
- 310.10 Disclosure of record to person other than the individual to whom it pertains.
- 310.11 Fees.
- 310.12 Penalties.
- 310.13 Exemptions.

AUTHORITY: 5 U.S.C. 552a.

SOURCE: 40 FR 46274, Oct. 6, 1975, unless otherwise noted.

### § 310.1 Purpose and scope.

The purpose of this part is to establish regulations implementing the Privacy Act of 1974, 5 U.S.C. 552a. These regulations delineate the procedures that an individual must follow in exercising his or her access or amendment rights under the Privacy Act to records maintained by the Corporation in systems of records.

[61 FR 43419, Aug. 23, 1996]

### § 310.2 Definitions.

For purposes of this part:

- (a) The term *Corporation* means the Federal Deposit Insurance Corporation;
- (b) The term *individual* means a natural person who is either a citizen of the United States or an alien lawfully admitted for permanent residence;
- (c) The term *maintain* includes maintain, collect, use, disseminate, or control;
- (d) The term *record* means any item, collection or grouping of information about an individual that contains his/her name, or the identifying number, symbol, or other identifying particular assigned to the individual;
- (e) The term *system of records* means a group of any records under the control